IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 14582 of 2006(J)

PETITIONER:

P.M. SALIM,
JUNIOR LECTURER, SIR SYED COLLEGE, TALIPARAMBA,
NOW WORKING AS HIGHER SECONDARY SCHOOL TEACHER AT
UDINOOR GOVERNMENT HIGHER SECONDARY SCHOOL
(ON WORKING ARRANGEMENT).

BY ADV. SRI.M.V.AMARESAN
SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:
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1. THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF HIGHER EDUCATION,THIRUVANANTHAPURAM.

2. THE MANAGER,
SIR SYED COLLEGE, TALIPARAMBA.

3. THE REGISTRAR,
KANNUR UNIVERSITY, KANNUR.

4. THE REGISTRAR,
DIRECTOR OF COLLEGIATE EDUCATION, KOZHIKODE.

5. THE DIRECTOR,
HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.

BY ADV. SRI. K.JAJU BABU, SC, KANNUR UNIVERSITY
SRI.M.RAMESH CHANDER
GOVERNMENT PLEADER SRI. K.V. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 14582/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NET CERTIFICATE DT. DECEMBER 1998,

EXT.P2. COPY OF THE RELIEVING ORDER DT.13/5/03 OBTAINED FROM THE R2.

EXT.P3. COPY OF AN ORDER BEARING REFERENCE NO. 22720/D2/04/H.EDBN DT. 5/11/04 BY THE R1.

EXT.P4. COPY OF THE JUDGMENT DT. 12/1/06 ALLOWING THAT WRIT PETITION NO. 25784/04.

EXT.P5. COPY OF THE STATEMENT OF WORK LOAD WHICH WAS GIVEN BY THE R2 COLLEGE TO THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION DT. 1/11/02.

EXT.P6. COPY OF THE LETTER BY THE D5 TO THE AG, BEARING NO. M3/24716/06/COLL EDN DT.10/7/06.

EXT.P6A. COPY OF THE LETTER NO. P. 18/PEN A 302/AC/06-07/596 DT. 21/10/06.

EXT.P7. COPY OF THE STATEMENT SHOWING ALLOTMENT OF WORKLOAD AMONG THE TEACHING STAFF FOR THE YEAR 2006-07.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE ORDER OF THE REGISTRAR OF KANNUR UNIVERSITY DT. 7/1/98.

EXT.R2B. COPY OF THE ORDER OF THE DIRECTORATE OF COLLEGIATE EDUCATION KOZHIKODE DT. 26/3/98.

EXT.R2C. COPY OF THE UNDERTAKING GIVEN BY THE PETITIONER BEFORE THE PRINCIPAL.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 14582 OF 2006

Dated this the 5th day of July, 2007.

J U D G M E N T

Petitioner is aggrieved by Exhibit P3 order passed by the first respondent. Issue pertains to the claim made by the petitioner for appointment under the second respondent-College.

2. In the counter affidavit it is stated that the petitioner is free to be appointed to the second respondent-College as and when there is a vacancy in the history department, provided he possesses the requisite qualification. Apparently there is no dispute as to the qualification. The dispute is only with regard to the vacancy.

The petitioner has produced Exhibit P6 to show that during the pendency of writ petition, another vacancy has arisen in the college. Petitioner may point out the intervening developments before the first respondent, in which case, appropriate orders in accordance with law, taking note of the vacancy for posting the petitioner, shall be passed by the Government within another one month.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp